



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Phillip B. Blankenship, Joseph Drbohlav, III,
Michael L. Hines
Serial No. : 10/689,108
Filing Date : October 20, 2003
Title : AN IMPROVED ASPHALT INTERLAYER FOR A
ROAD
Group/Art Unit : 3671
Examiner : Alexandra Pechhold
Confirmation No. : 4250

Atty. Docket No. : 506422.0116

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(b), the references and other information listed below and on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The present application is a divisional of prior application, Serial No. 09/893,314, filed June 27, 2001. The cited documents are already of record in the parent case, and therefore, copies are not being submitted with the present statement pursuant to 37 C.F.R. § 1.98(d). Submission of these references and other information is not an admission that the references and other information constitute prior art.

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: July 8 2004
Signature: Jessica V. Barnard
Printed Name: Jessica V. Barnard

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.



U.S. PATENTS

Patent No.	Inventor(s)	Issue Date
3,891,585	McDonald	June 24, 1975
3,907,582	Walter	September 23, 1975
5,306,750	Goodrich et al.	April 26, 1994
5,445,473	Chaverot et al.	August 29, 1995
5,513,925	Dempsey et al.	May 7, 1996
6,089,783	Goacolou	July 18, 2000
6,248,396	Helf	June 19, 2001

FOREIGN PATENTS

Country	Patent No./Publication No.	Publication Date
None.		

OTHER REFERENCES AND INFORMATION

Request for Bid for Constructing or Improving, Missouri Highway and Transportation Commission, Jefferson City, Missouri, 1998.

Sand Anti-Fracture (SAF) Mixture Trial Handout, 1998.

Sand Anti-Fracture Layer "SAF" Handout, 1997.

Applicant wishes to advise the Examiner that an interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 26,138 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 18.4 at 60°C and 50 gyrations. Applicant received money for placing this interlayer.

Applicant wishes to advise the Examiner that an interlayer was constructed and placed on a roadway near St. Joseph, Missouri in 1998. This interlayer had a flexural beam fatigue of 66,932 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 18.1 at 60°C and 50 gyrations. Applicant received money for placing this interlayer.

Applicant wishes to advise the Examiner that another interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 138,775 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 15.5 at 60°C and 50 gyrations. Applicant received money for placing this interlayer.

Applicant wishes to advise the Examiner that an interlayer was constructed and placed on a roadway in Orange, Texas in 1999. This project included Section 1 and Section 2.

Section 1 interlayer had a flexural beam fatigue of 894,786 cycles at 2000 microstrain, 20°C, and 10 Hz and a Hveem stability of 14.1 at 60°C and 50 gyrations. Applicant received money for placing this interlayer. Section 2 interlayer had a flexural beam fatigue of 672,381 cycles at 2000 microstrain, 20°C, and 10 Hz and a Hveem stability of 16.4 at 60°C and 50 gyrations. Applicant received money for placing this interlayer.

Applicant respectfully requests that these references and other information be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references and other information.

This information disclosure statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114. Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 

Susan Wharton Bell, Reg. No. 41,524
STINSON MORRISON HECKER LLP
1201 Walnut, Suite 2800
Kansas City, MO 64106-2150
Telephone: (816) 842-8600
Facsimile: (816) 691-3495

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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number:	10/689,108
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Filing Date:	October 20, 2003
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First Named Inventor:	Phillip B. Blankenship
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Group Art Unit:	3671
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Examiner Name:	Alexandra Pechhold
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Attorney Docket Number:	506422-0116
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Sheet

1

of

2

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

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Substitute for Form 1449B/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known			
		Application Number:	10/689,108		
		Filing Date:	October 20, 2003		
		First Named Inventor:	Phillip B. Blankenship		
		Group Art Unit:	3671		
		Examiner Name:	Alexandra Pechhold		
Sheet	2	of	2	Attorney Docket Number:	506422-0116

OTHER REFERENCES - NON PATENT LITERATURE DOCUMENTS AND INFORMATION			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Request for Bid for Constructing or Improving, Missouri Highway and Transportation Commission, Jefferson City, Missouri, 1998.	
		Sand Anti-Fracture (SAF) Mixture Trial Handout, 1998.	
		Sand Anti-Fracture Layer "SAF" Handout, 1997.	
		An interlayer was constructed and placed on a roadway near San Jose, Illinois in 1998. This interlayer had a flexural beam fatigue of 26,138 cycles at 2000 microstrain, 15°C, and 10 Hz and a Hveem stability of 18.4 at 60°C and 50 gyrations. Applicant received money for placing this interlayer.	
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Examiner Signature		Date Considered	
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